

Fill in this information to identify your case:

Debtor 1 Antina T. McCoy

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the Northern District of Illinois

Case number _____
(If known)

Check if this is:

☐ An amended filing

Chapter you are filing under:

☐ Chapter 7

☐ Chapter 11

☐ Chapter 12

☒ Chapter 13

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together--called a *joint case*--and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
1. Your full name Write the name that is on your government-issued picture identification (for example, your driver's license or passport). Bring your picture identification to your meeting with the trustee.	<u>Antina</u> First name <u>T.</u> Middle name <u>McCoy</u> Last name Suffix (Sr., Jr., II, III)	<u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III)
2. All other names you have used in the last 8 years. Include your married or maiden names.	<u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III) <u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III)	<u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III) <u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III)

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN) XXX-XX-6202

N/A

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years.

☒ I have not used any business names or EINs

☐ I have not used any business names or EINs

N/A

Business name

N/A

Business name

Include trade names and doing business as names.

N/A

EIN

N/A

EIN

N/A

Business name

N/A

Business name

N/A

EIN

N/A

EIN

5. Where you live

If Debtor 2 lives at a different address:

131 157th Street

Number Street

2-E

Calumet City IL 60409

City, State, Zip Code

Cook

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

N/A

Number Street

City, State, Zip Code

N/A

EIN

6. Why you are choosing this district to file for bankruptcy

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)

N/A

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)

N/A

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under	<p>Check one. (For a brief description of each, see <i>Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy</i> (Form B2010)). Also, go to the top of page 1 and check the appropriate box.</p> <p><input type="checkbox"/> Chapter 7</p> <p><input type="checkbox"/> Chapter 11</p> <p><input type="checkbox"/> Chapter 12</p> <p><input checked="" type="checkbox"/> Chapter 13</p>																														
8. How you will pay the fee	<p><input checked="" type="checkbox"/> I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.</p> <p><input type="checkbox"/> I need to pay the fee in installments. If you choose this option, sign and attach the <i>Application for Individuals to Pay Your Filing Fee in Installments</i> (Official Form 103A).</p> <p><input type="checkbox"/> I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the <i>Application to Have the Chapter 7 Filing Fee Waived</i> (Official Form 103B) and file it with your petition.</p>																														
9. Have you filed for bankruptcy within the last 8 years?	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <table border="0"><tr><td>District <u>N/A</u></td><td>When</td><td><u> </u></td><td>Case number</td><td><u> </u></td></tr><tr><td></td><td></td><td></td><td>MM/DD/YYYY</td><td></td></tr><tr><td>District <u>N/A</u></td><td>When</td><td><u> </u></td><td>Case number</td><td><u> </u></td></tr><tr><td></td><td></td><td></td><td>MM/DD/YYYY</td><td></td></tr><tr><td>District <u>N/A</u></td><td>When</td><td><u> </u></td><td>Case number</td><td><u> </u></td></tr><tr><td></td><td></td><td></td><td>MM/DD/YYYY</td><td></td></tr></table>	District <u>N/A</u>	When	<u> </u>	Case number	<u> </u>				MM/DD/YYYY		District <u>N/A</u>	When	<u> </u>	Case number	<u> </u>				MM/DD/YYYY		District <u>N/A</u>	When	<u> </u>	Case number	<u> </u>				MM/DD/YYYY	
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10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <table border="0"><tr><td>Debtor <u>N/A</u></td><td>Relationship</td><td><u> </u></td></tr><tr><td>District <u> </u></td><td>When</td><td><u> </u></td></tr><tr><td></td><td></td><td>MM/DD/YYYY</td></tr><tr><td>Debtor <u>N/A</u></td><td>Relationship</td><td><u> </u></td></tr><tr><td>District <u> </u></td><td>When</td><td><u> </u></td></tr><tr><td></td><td></td><td>MM/DD/YYYY</td></tr></table>	Debtor <u>N/A</u>	Relationship	<u> </u>	District <u> </u>	When	<u> </u>			MM/DD/YYYY	Debtor <u>N/A</u>	Relationship	<u> </u>	District <u> </u>	When	<u> </u>			MM/DD/YYYY												
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11. Do you rent your residence?	<p><input checked="" type="checkbox"/> No. Go to line 12.</p> <p><input type="checkbox"/> Yes. Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?</p> <p><input type="checkbox"/> No. Go to line 12.</p> <p><input type="checkbox"/> Yes. Fill out <i>Initial Statement About an Eviction Judgment Against You</i> (Form 101A) and file it with this bankruptcy petition.</p>																														

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business? ☒ No. Go to Part 4.

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention? ☒ No. ☐ Yes.

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.
- Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.
- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.
- Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.
- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

About Debtor 1:

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

- ☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

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- ☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?
- 16a. Are your debts primarily consumer debts? *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☐ No. Go to line 16b.
☒ Yes. Go to line 17.
- 16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
- ☐ No. Go to line 16c.
☐ Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts: **N/A**

17. Are you filing under Chapter 7?
- ☒ No. I am not filing under Chapter 7. Go to line 18.
- ☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- ☐ No.
☐ Yes.
- Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

18. How many creditors do you estimate that you owe?
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000 - 5,000 | <input type="checkbox"/> 25,001 - 50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001 - 10,000 | <input type="checkbox"/> 50,001 - 100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001 - 25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

19. How much do you estimate your assets to be worth?
- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> \$0 to \$50,000 | <input type="checkbox"/> \$1,000,001 to \$10 million | <input type="checkbox"/> \$500,000,001 to \$1 billion |
| <input type="checkbox"/> \$50,001 to \$100,000 | <input type="checkbox"/> \$10,000,001 to \$50 million | <input type="checkbox"/> \$1,000,000,001 to \$10 billion |
| <input type="checkbox"/> \$100,001 to \$500,000 | <input type="checkbox"/> \$50,000,001 to \$100 million | <input type="checkbox"/> \$10,000,000,001 to \$50 billion |
| <input type="checkbox"/> \$500,001 to \$1 million | <input type="checkbox"/> \$100,000,001 to \$500 million | <input type="checkbox"/> More than \$50 billion |

20. How much do you estimate your liabilities to be?
- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> \$0 to \$50,000 | <input type="checkbox"/> \$1,000,001 to \$10 million | <input type="checkbox"/> \$500,000,001 to \$1 billion |
| <input type="checkbox"/> \$50,001 to \$100,000 | <input type="checkbox"/> \$10,000,001 to \$50 million | <input type="checkbox"/> \$1,000,000,001 to \$10 billion |
| <input type="checkbox"/> \$100,001 to \$500,000 | <input type="checkbox"/> \$50,000,001 to \$100 million | <input type="checkbox"/> \$10,000,000,001 to \$50 billion |
| <input type="checkbox"/> \$500,001 to \$1 million | <input type="checkbox"/> \$100,000,001 to \$500 million | <input type="checkbox"/> More than \$50 billion |

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Antina T. McCoy
Debtor 1

12/29/2015
MM/DD/YYYY

**For your attorney, if you
are represented by one**

*Note that BkAssist is licensed for
use only by attorneys. If you are
not represented by an attorney, you
may not file this petition.*

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Jeffrey Whitehead
Attorney for Debtor(s)

12/29/2015
MM/DD/YYYY

Jeffrey Whitehead

Printed name

Whitehead & Associates, LLC

Firm name

105 W. Madison St., Ste 900

Number Street

Chicago IL 60602

City, State, ZIP Code

312-648-0473

Contact phone

6280034

Bar number

jeffwhitehead 2000@yahoo.com

Email address

Fill in this information to identify your case:

Debtor 1 Antina T. McCoy
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the Northern District of Illinois
Case number _____
(If known)

Check if this is:
☐ An amended filing
☐ A supplement disclosing additional payments or agreements as of

Form BKA-2030

Disclosure of Compensation of Attorney for Debtor

12/15

Use this procedural form, if desired, to disclose the matters enumerated in 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b).

Disclosure is required within 14 days after the order for relief or another time as the court may direct. A supplemental disclosure is required within 14 days after any payment or agreement not previously disclosed.

Attach a copy of the retainer agreement, if any.

Part 1: Compensation

For legal services, I have agreed to accept..... **\$4,000.00**

Prior to the filing of this statement I have received
Retainer for legal services..... **\$0.00**

Retainer for expenses, including the court filing fee

Balance Due **\$4,000.00**

2. The source of the compensation paid to me was:

☐ Debtor ☐ Other (specify)

3. The source of compensation to be paid to me is:

☐ Debtor ☐ Other (specify) ☒ N/A

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with another person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

Part 2: Services

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy.
- Preparation and filing of any petition, schedules, statement of affairs and plan that may be required.
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof.
- Representation of the debtor in adversary proceedings and other contested bankruptcy matters.

e.

f.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

(None)

7. A copy of my retainer agreement ☐ is ☒ is not attached.

Part 3: Certification

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy case.

/s/ Jeffrey Whitehead

Jeffrey Whitehead (Whitehead & Associates, LLC)

12/29/2015

Date

**United States Bankruptcy Court
Northern District of Illinois
Chicago Division**

In re: **McCoy, Antina**

Case No.

VERIFICATION OF CREDITOR MATRIX

I(we) verify that the attached list of creditors and the matrix file to be uploaded in this case are true and complete to the best of my(our) knowledge.

/s/ Antina T. McCoy
Debtor

12/29/2015
Date

Auto Warehouse
3632 North Cicero Avenue
Chicago, IL 60641

BERKS CREDIT & COLLECTIONS
900 CORPORATE DR
Reading, PA 19605

Blitt and Gaines
661 Glenn Avenue
Wheeling, IL 60090

Citimortgage
5280 Corporate Drive
Frederick, MD 21703

City of Calumet City
204 Pulaski Road
Calumet City, IL 60409

City of Chicago
Department of Finance
PO Box 88292
Chicago, IL 60680

City of Country Club Hills SS
4200 West Main Street
Country Club Hills, IL 60478

CMI
4200 INTERNATIONAL PKWY
Carrollton, TX 75007

ComEd
PO Box 805379
Chicago, IL 60680

Cook County Treasurer
118 North Clark Street
Chicago, IL 60602

Denise Gilmore
3410 West Pierce Street
Chicago, IL 60644

GC Services
ATTN: Webmaster
6330 Gulfton
Houston, TX 77081

George Hesik
821 Garfield Street
Oak Park, IL 60304

GO Financial
PO Box 53087
Phoenix, AZ 85072

Greentree
PO Box 6172
Rapid City, SD 57709

Hauselman Rappin Olswang
29 East Madison Street
Suite 950
Chicago, IL 60602

Indiana Department of Revenue
100 North Senate Street
Indianapolis, IN 46204

Internal Revenue Service
PO Box 7317
Philadelphia, PA 19101

IRS
PO Box 7346
Philadelphia, PA 19101

JP Morgan Chase
PO Box 24696
Columbus, OH 43224

LVNV Funding
PO Box 10584
Greenville, SC 29603

MCSI
7330 COLLEGE DR
Palos Heights, IL 60463

Miczyzlaw Jewula
5340 West Altgeld
Chicago, IL 60636

Ocwen Loan Servicing
3451 Hammond Avenue
Waterloo, IA 50704

Peoples Gas
200 East Randolph Street
Chicago, IL 60601

Pierce and Associates
1 North Dearborns Street
Chicago, IL 60602

Seterus
PO Box 2206
Grand Rapids, MI 49501

Sprint
PO Box 4191
Carol Stream, IL 60197

United States Attorney
219 South Dearborn Street
Chicago, IL 60604

Wal-Mart
702 S.W. 8th Street
Bentonville, AR 72716

WOW! Cable
P.O. Box 4350
Carol Stream, IL 60197

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

- You are an individual filing for bankruptcy, and
- Your debts are primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as “incurred by an individual primarily for a personal, family, or household purpose.”

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of the Bankruptcy Code:

- Chapter 7 — Liquidation
- Chapter 11 — Reorganization
- Chapter 12 — Voluntary repayment plan for family farmers or fishermen
- Chapter 13 — Voluntary repayment plan for individuals with regular income

You should have an attorney review your decision to file for bankruptcy and the choice of chapter.

Chapter 7: Liquidation

	\$245	filing fee
	\$75	administrative fee
+	\$15	trustee surcharge
	\$335	total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their non-exempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

- most taxes;
- most student loans;
- domestic support and property settlement obligations;

- most fines, penalties, forfeitures, and criminal restitution obligations; and
- certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

- fraud or theft;
- fraud or defalcation while acting in breach of fiduciary capacity;
- intentional injuries that you inflicted; and
- death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:

http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Bankruptcy crimes have serious consequences

- If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.
- All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:

http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html.

In Alabama and North Carolina, go to:

<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.